

### **REMARKS**

This responds to the Final Office Action mailed on July 26, 2004.

Claims 1-4, 6-9, 11-14, and 16-19 are canceled; as a result, claims 5, 10, 15, and 20 are now pending in this application.

No claim amendments have been made; except for claim cancellations. Applicants have cancelled the claims presently being rejected by the Examiner, such that the only remaining claims are ones that are presently being allowed by the Examiner. Therefore, the amendments that have cancelled the rejected claims are appropriate in this response to the Final Office Action. Additionally, Applicants make these claim cancellations without prejudice and reserve the right to file later continuations directed to the subject matter of these rejected claims.

### **Drawing Rejections**

The claims for which the Examiner has based the drawing rejections on have been cancelled herein and above. Therefore, amended drawings are no longer needed because the rejections have been overcome with the claim cancellations above.

### **§112 Rejection of the Claims**

Claims 1-20 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Initially, the Applicants would like to point out that the rejections are directed to the term “dynamically” and that this term does not appear in allowed claims 5, 10, 15, and 20. Moreover, on the coversheet and on page 7 of the Final Office Action the Examiner clearly indicates that claims 5, 10, 15, and 20 are allowed. Therefore, Applicants believe that this was merely an oversight on the part of the Examiner to have included claims 5, 10, 15, and 20 with this rejection.

Secondly, Applicants would like to point out for the record that the Applicants do not agree with these rejections. In that Applicants believe the term “dynamically” is adequately

supported in the specification and in a manner that is consistent with how that term is understood in the programming arts. Therefore, Applicants reserve the right to file continuations directed to this subject matter. However, this issue is presently moot in view of the fact that Applicants have cancelled the claims which have the term “dynamically.”

Claims 1-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These rejections are similar to those presented and discussed above. Applicants believe that these are no longer appropriate since claims 1-4, 6-9, 11-14, and 16-19 have now been cancelled. Again, Applicants view the Examiner’s inclusion of claims 5, 10, 15, and 20 as an oversight, since clearly these claims have been allowed by the Examiner.

*§102 Rejection of the Claims*

Claims 1-4, 6-9, 11-14 and 16-20 were rejected under 35 USC § 102(e) as being anticipated by Busey et al. (U.S. 6,665,395). These claims have been cancelled therefore these rejections are no longer appropriate and should be withdrawn.

*Allowable Subject Matter*

Applicants acknowledge and appreciate the Examiner’s allowance of claims 5, 10, 15 and 20.

**CONCLUSION**

Applicants believe that the above amendments and remarks are a full and complete response to the Final Office Action. Therefore, Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

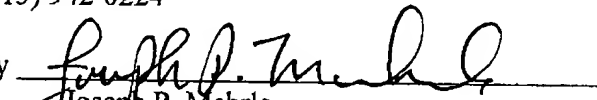
THOMAS G. BREWER ET AL.

By their Representatives,

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Date 9-27-04


By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27<sup>th</sup> day of September, 2004.

Peter Rehforn

Name

  
Signature